



## Security Council

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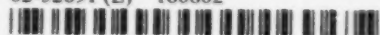
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**Letter dated 14 August 2002 from the Charge d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council**

I enclose a note circulated by the Prosecutor of the International Criminal Tribunal for Rwanda at a meeting of the Security Council of 23 July 2002 under the Presidency of Sir Jeremy Greenstock. I would be grateful if this could be circulated as a document of the Security Council.

(Signed) Stewart **Eldon**  
Chargé d'affaires a.i.



**Annex to the letter dated 14 August 2002 from the Chargé  
d'affaires a.i. of the Permanent Mission of the United Kingdom  
of Great Britain and Northern Ireland to the United Nations  
addressed to the President of the Security Council**

**Report of the Prosecutor of the International Criminal Tribunal  
for Rwanda**

1. The Prosecutor wishes to inform the Security Council on the current state of investigations and prosecutions before the International Criminal Tribunal for Rwanda.
2. The Tribunal is currently facing a crisis, as its judicial work is being impaired by the lack of availability of witnesses. This, in turn, arises from difficulties in obtaining the full cooperation of the Rwandan authorities.
3. In January 2002, two Rwandan associations of victims of the 1994 genocide (Ibuka and Avega) announced their intention to discontinue their cooperation with the Tribunal and called upon their members not to appear as witnesses in Arusha. The association complain, first, that the Tribunal employs suspects of the genocide as defence investigators and, second, that witnesses are not sufficiently protected. A serious situation has consequently arisen, since several ongoing trials, the Kajelijeli, Niyitegeka and Hutare trials, have been considerably delayed by the absence of essential prosecution witnesses. A determined attempt by the Tribunal's Registrar to create a joint commission to investigate the complaints of the associations proved to be unsuccessful. Other efforts were made by the Registrar and the Prosecutor to address the complaints, and to improve the protection of witnesses were the complaints to be found valid.
4. The assistance of the Rwandan Government has been sought to resolve the difficulties. In the Niyitegeka case, the Trial Chamber, presided over by the President of the Tribunal, Judge Navanethem Pillay herself, was "compelled to adjourn the proceedings". The Chamber's decision of 19 June 2002 draws "the attention of the Rwandan authorities to these legal obligations to cooperate with the Tribunal" and requests "the Rwandan authorities to ensure that the travel of the witnesses scheduled for the cases is facilitated".
5. The Rwandan Government maintains that the associations are independent, and that they cannot be compelled to cooperate with the Tribunal. It is clear however that the letter addressed by the Presidents of these associations to the Registrar of the Tribunal on 6 March 2002, announcing that their cooperation would remain suspended as long as their concerns are not addressed, was sent through the Minister of Foreign Affairs of the Rwandan Government, and was indeed signed by the Secretary-General of the Ministry of Foreign Affairs. It appears that the Rwandan Government has the ability to resolve the crisis, and indeed that the lack of cooperation may in fact stem from the attitude of the Rwandan authorities themselves. This is evidenced by the recent changes in the official procedures for issuing travel authorizations and travel documents for witnesses, making it much harder for witnesses to leave Rwanda to testify before the International Tribunal in Arusha.

6. The Prosecutor is deeply concerned by the withdrawal of cooperation by the Rwandan authorities. Their position has manifested itself in different forms in recent months, and has hardened in the last weeks. In one particular case, the authorities have not provided official information pertaining to false travel documents required to refute an alibi defence. No answers have been given to repeated requests to obtain authorizations by the Government of Rwanda to temporarily transfer a number of detained witnesses, whose testimonies are crucial to the prosecution of ongoing cases.

7. Although it has been publicly stated that the reason for the suspension of cooperation is the way witnesses are treated, the Prosecutor was reliably informed that the true reason is to be found elsewhere. Powerful elements within Rwanda strongly oppose the investigation by the Prosecutor, in the execution of the Tribunal mandate, of crimes allegedly committed by members of the Rwandan Patriotic Army in 1994. Despite assurances given by President Kagame to the Prosecutor in the past, no concrete assistance has been provided in response to repeated requests regarding these investigations. Currently, there is no genuine political will on the part of the Rwandan authorities to provide assistance in an area of work that they interpret to be political in nature, when, obviously, the Prosecutor limits herself to the technical implementation of her judicial mandate.

8. In these circumstances, the Prosecutor is effectively unable, at this stage, to achieve the investigation of crimes alleged to have been committed by the Rwandan Patriotic Army in 1994.

9. Still, it remains uncertain whether ongoing trials will resume as scheduled in the coming weeks with the necessary witnesses.

10. Conduct of this nature strikes at the very core of the International Tribunal's ability to complete its mandate. The Prosecutor therefore considers it necessary to bring the matter to the attention of the Security Council.

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**Security Council**

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English  
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**Letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General**

I have the honour to transmit to you herewith the text of a letter dated 15 August 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, together with the 19 questions raised by Iraq at the discussion meeting held on 7 March 2002, addressed to you in reply to your letter of 6 August 2002 concerning Iraq's proposal on the holding of a series of technical discussions between Iraqi experts and those of UNMOVIC.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Al-Douri  
Permanent Representative



### **Annex to the letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General**

I wish to thank you for your letter of 6 August 2002 in reply to our proposal on the holding of a series of technical discussions between Iraqi experts and those of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) with a view to reviewing the progress made in disarmament between May 1991 and December 1998 and to determining how the remaining questions may be settled. I also wish to thank you for your willingness to maintain the dialogue between the United Nations and Iraq for the purpose of resolving outstanding problems between the two parties in accordance with principles of international legitimacy and Security Council resolutions.

Relations between Iraq and the Security Council underwent a serious crisis after the large-scale military aggression launched by the United States and the United Kingdom against Iraq on 16 December 1998, at a time when the Council was in session to consider how to implement your proposal concerning a comprehensive review of the obligations fulfilled by Iraq. Iraq and many other countries were hoping that that review would attain its objectives and would lead to the fulfilment by the Council of the obligations set forth in its resolutions on Iraq, including the lifting of the iniquitous embargo imposed against Iraq in August 1990, the cessation of the persistent acts of aggression against Iraq, and the establishment in the Middle East of a zone free from weapons of mass destruction.

In spite of the condemnation and protests of the international community at that cowardly act of aggression, in whose organization the former United Nations Special Commission (UNSCOM) and its Chairman, Richard Butler, participated, the United States not only prevented the Security Council from taking any measure but even induced it to adopt resolution 1284 (1999). This reformulation of resolution 687 (1991) imposed new conditions, thereby enabling the Council to evade more easily its obligations with regard to Iraq. In its resolution 1382 (2001) of 29 November 2001, the Council itself admitted the non-applicability of resolution 1284 (1999), when it acknowledged that this resolution called for certain clarifications.

By preventing the Security Council from discharging its obligations towards Iraq, the United States added to the sufferings of the Iraqi people by virtue of the maintenance of the embargo, which, by 11 August 2002, had caused the deaths of 1,732,151 Iraqis, most of them children. It also prevented the limited and provisional "oil-for-food" programme from meeting the most elementary needs of the Iraqi people, since, by 1 August 2002, it had put on hold 2,170 contracts, totalling \$5.3 billion, and it recently imposed a retroactive oil-price-setting mechanism, which has led to a sharp decline in Iraqi oil exports and a steep reduction in the income received under the programme.

Since 1991, the United States and the United Kingdom have regularly violated the sovereignty, independence and territorial integrity of Iraq in the illegally imposed no-fly zones. They have committed military acts of aggression on a daily basis since the end of 1998. They launched five large-scale military attacks against Iraq in 1993, 1996, 1998 and 2001. They apply an official policy of interference in the internal affairs of Iraq and are attempting by every means to invade Iraq with a view to installing a puppet regime there, in flagrant violation of international law,

the Charter of the United Nations and the relevant resolutions of the Security Council. For its part, the Security Council has never adopted any official measure in this regard.

In order to find a way out of the crisis in the relations between Iraq and the United Nations, the Iraqi Government replied favourably to your proposal concerning the initiation of a dialogue, without conditions, with a flexible timetable, the goal being to arrive at a balanced and equitable implementation of relevant Security Council resolutions which reflects international law and the Charter of the United Nations. In the course of the first series of discussions, held in February 2002, we presented our views on the crisis. The dialogue resumed in March 2002 after being frozen by the United States for more than a year.

In March 2002 you agreed with us that the dialogue between the two parties should be based on international law, the Charter of the United Nations and the resolutions of the Security Council, and not on the political agenda of any State. We said that this dialogue must be dissociated from the political agenda of the United States, which has used, and intends to continue using, the United Nations as an instrument of their foreign policy, which is hostile to Iraq.

During this series of discussions we put 19 questions (see attachment) and requested a response from the Security Council. In these questions, we asked the Council to address the matter of its obligations towards Iraq, as set down in its own resolutions with respect to the lifting of the iniquitous embargo imposed pursuant to paragraphs 21 and 22 of resolution 687 (1991), the establishment in the Middle East of a zone free from weapons of mass destruction as required by paragraph 14 of the same resolution, the cessation of the attacks launched by the United States and the United Kingdom inside and outside the no-fly zones, in violation of all the Council resolutions calling for respect for the sovereignty, independence and territorial integrity of Iraq, the restoration of the economic, cultural, health and social infrastructure of Iraq, after the severe damage caused by the United States-British attacks, the reparation of the moral and psychological harm done to the Iraqi people in violation of international law and international humanitarian law, the recognition of Iraq's right to defend itself under Article 51 of the Charter of the United Nations, and the adoption of decisions regarding the arbitrary Security Council measures preventing Iraq from exercising its right of self defence.

During this series of discussions, we informed you that responses by the Security Council to our questions were necessary in order to provide the Iraqi leaders with sufficient information to enable them to take appropriate decisions concerning the vital interests, security, sovereignty and independence of Iraq. The Iraqi leaders cannot take appropriate decisions on these extremely important questions without knowing the Council's position regarding its obligations towards Iraq under the provisions of its own resolutions. The situation is even more confused because we have to deal with ambiguous texts that can be interpreted in various ways, as the Security Council itself acknowledged in paragraph 6 of resolution 1382 (2001).

In your reply, you indicated that Iraq's questions were legitimate and that you would transmit them to the Security Council for a response. You said that the presence at the discussions of the Executive Chairman of UNMOVIC, Mr. Hans Blix, was an important advance, and you expressed the hope that the technical

discussions would take place in parallel with the political discussions, with a view to reaching a comprehensive settlement.

During this series of discussions, Mr. Hans Blix tried to demonstrate that UNMOVIC was different from the former UNSCOM, the mandate of the latter having been marked by scandals, espionage operations and the proven participation of the United States information services, which were directing the work of the Special Commission. All of this led to the cessation of UNSCOM activities and the expulsion of its Chairman. For your part, you reassured the Iraqi party as to the intentions and conduct of Mr. Blix.

These affirmations gave us hope. Accordingly, we sent to the following series of discussions, held in May 2002, a high-level technical delegation composed of the best Iraqi disarmament and inspection experts. Iraq's technical team was headed by two consultants of ministerial rank who discharged the most senior functions in disarmament and inspection. The Iraqi team also included the most senior official of the Iraqi National Surveillance Service and a number of Iraqi experts and scientists specialized in missiles and nuclear, chemical and biological questions.

During the series of discussions held in May 2002, we were surprised to find that the Security Council had not replied to any of our questions and that Mr. Blix refused to hold detailed technical discussions with the Iraqi technical team concerning evaluation modalities during the period elapsed and how to deal with the questions which UNMOVIC considered to be outstanding since this period.

We next participated in the series of discussions held on 4 and 5 July 2002 in Vienna, accompanied by a high-level technical team, with a view to obtaining replies from the Security Council to our questions, studying the elements of a final settlement and engaging in technical discussions with UNMOVIC to determine how to evaluate the progress achieved in disarmament between May 1991 and December 1998 and how to settle the remaining questions.

In the discussions held in Vienna, progress was made with respect to the restitution of Kuwaiti documents, since we agreed with you on a mechanism for the restitution of the Kuwaiti archives and other documents. We also made progress in our technical discussions with the International Atomic Energy Agency. The Agency was of the view that no disarmament question was still outstanding and that the three remaining questions could be settled within the framework of a continuing inspection operation. For your part, you informed us, again, that you had not obtained replies from the Security Council to our questions, despite the legitimacy of our request.

During this series of discussions, we reaffirmed that the only way out of the crisis in the relations between Iraq and the United Nations, caused by the conduct of the United States, was to resolve all the elements of the problem, in other words to lift the comprehensive and inhumane embargo imposed for 12 years on the Iraqi people; to respect the security and territorial integrity of Iraq; to deal with the problem of the destruction caused by the United States-British military attacks and the comprehensive embargo; and for both parties to establish a transparent mechanism which would enable the United Nations to verify United States allegations regarding the possession and development by Iraq of weapons of mass destruction, including nuclear, chemical and biological weapons.

In this context, we stated that the experience of the past 11 years had demonstrated without any shadow of a doubt that no purpose was served when the Security Council, under the pressure of the United States, concentrated on a single element (weapons inspection and monitoring) and neglected the links between this element and the other requirements specified in Council resolutions. Here, an important and revealing fact needs to be stated: when it returned to Iraq, the inspection team carried out 427 inspections between mid-November and mid-December 1998, and the Chairman of UNSCOM, Richard Butler, noted that Iraq had failed to cooperate in five, or 1 per cent, of these inspections. This means that, even in the opinion of intransigent and suspicious persons like Butler, Iraq cooperated in 99 per cent of the cases, a point which the Security Council should bear in mind in fulfilling its obligations. Yet, between 16 and 20 December 1998, Iraq was rewarded for this very high level of cooperation with the launching by the United States and the United Kingdom of 460 Cruise missiles and thousands of aerial bombs and missiles.

We have reaffirmed that the Iraqi request concerning a comprehensive settlement was based on international law and resolutions of the Security Council, which in the most recent of those resolutions, namely resolution 1382 (2001), requested that a comprehensive settlement should be reached.

To move forward the technical discussions, the Iraqi delegation attending the discussions in Vienna made a proposal aimed at advancing the dialogue on weapons inspection. It suggested the holding of an expanded technical meeting to take stock of the preceding period (May 1991-December 1998), and more precisely to determine what had been accomplished in the way of disarmament tasks specified in Security Council resolutions and to find a way of settling the remaining disarmament questions which the former UNSCOM had listed at the end of 1998 and which Mr. Amorim mentioned in his report at the beginning of 1999, the goal being to lay jointly and clearly the basis for any future inspection operation. At the end of this series of discussions, you told us that you would endeavour to obtain the Council's replies to our questions and our appeal for a comprehensive settlement, and that you hoped that the discussions would continue with the Iraqi delegation, including at the technical level.

In order to continue the contacts with you, in both the political and technical fields, I sent you a letter dated 1 August 2002 proposing the holding of a series of technical discussions between the two parties, in implementation of the proposal that you had made during the Vienna discussions.

To our great regret, we learned through the press (the daily newspaper *Al-Hayat* of 4 August 2002) of the speedy, direct and negative reaction by Mr. Blix to the proposals made in our letter, and this was even before you met with the Security Council on 5 August to consider these proposals. The position taken by Mr. Blix reminds us of the bitter experience that we, along with the United Nations, had with Mr. Richard Butler, Chairman of the former Special Commission (UNSCOM), who, through his acts, statements and decisions, exceeded the powers of the United Nations Secretariat and the Security Council.

Mr. Blix's comments to the effect that paragraph 7 of Security Council resolution 1284 (1999) prohibits him from discussing with the Iraqi party the technical aspects of the method for resolving in the future the outstanding questions do not square with the facts and realities and ignore the obscure and inapplicable

nature of that resolution, which justifies our opposition to the text and is confirmed by three permanent members as well as Security Council resolution 1382 (2001) itself, paragraph 7 of which refers to a list of basic outstanding questions in the field of disarmament to be drawn up by UNMOVIC after its return to Iraq. In the proposal set forth in our letter, we are not asking that this list (which, contrary to what UNMOVIC claims, does not exist) be discussed, but rather that we take stock of the disarmament tasks which have been carried out and that we reach agreement on the way to resolve the tasks which the former Special Commission listed as not having been completed as of 15 December 1998, as they were defined by the former Special Commission at that time and set forth in the report that Ambassador Amorim submitted to the Security Council on 30 March 1999.

The technical dialogue that we have proposed is designed to avoid the differences of views and the crises which marked the work of the inspectors during the period from 1991 to 1998 and to lay a solid foundation on which future cooperation would be built. If the outstanding questions from the earlier period are not resolved, it will be difficult to begin a new period that would be based on professional cooperation aimed at settling the remaining disarmament questions insofar as we would find ourselves again in a minefield and only a few weeks would pass before the new monitoring regime once again would lead to differences of views and crises and the inspectors would again withdraw after having raised further demands for updated information in such a way as to cause further harmful effects and provide the United States and those who support it with a pretext for attacking Iraq again, as had occurred throughout the period from 1991 to 1998.

With regard to the chronology for implementing the measures set forth in resolution 1284 (1999), I should like to reaffirm that we are not requesting a discussion of the key disarmament tasks that remain to be carried out under paragraph 7 of that resolution in order to raise the question of the chronology for implementing those measures. Therefore, the chronology for implementing the measures set forth in the Security Council resolutions can also be considered in a comprehensive manner, that is to say, within the context of the implementation of all the measures set out in the Council resolutions, according to their merit and without selectively giving preference to one or another issue or resolution. From this point of view, the first necessary measure to be carried out urgently is that contained in the eighth preambular paragraph of resolution 686 (1991), which reaffirms the commitment of all Member States to the independence, sovereignty and territorial integrity of Iraq. The United States and the United Kingdom should also immediately put an end to the illegal so-called air exclusion zones and all other acts which violate Iraq's sovereignty, independence and territorial integrity. Then there is the implementation of paragraphs 14, 21 and 22 of resolution 687 (1991) and the reconsideration of the arbitrary compensation imposed on Iraq, through judicious application of paragraph 19 of resolution 687 (1991) and paragraph 3 of resolution 705 (1991), before proceeding to the other applicable provisions.

I should like to reaffirm, in this regard, that the proposal for a technical meeting that we put forward during the Vienna discussions and in the preceding letter that we addressed to you is in accordance with and complements your own proposal of September 1998 aimed at undertaking a comprehensive consideration of the disarmament phase since, according to the document that you submitted to the Security Council on 5 October 1998, the direct goal of the first phase of comprehensive consideration was to reach agreement on a method of work and a

timetable which, if they were respected, would make it possible to meet speedily the disarmament requirements set forth in section C of resolution 687 (1991).

The proposal set forth in our letter therefore constitutes a very important step towards a comprehensive solution that would ensure that all the requirements of the relevant Security Council resolutions are satisfied in a synchronized manner.

The statement of the facts provided below is designed to demonstrate the scope of the injustice and the harm done to Iraq by the United States, which is using Security Council resolutions to cover illegal activities violating international law, the Charter of the United Nations and the Security Council resolutions concerning Iraq. These activities on the part of the United States have, furthermore, seriously harmed the credibility of the United Nations and represent a flagrant example of double standards. The brazen interference by the United States in the work of the Organization and its acts of aggression against Iraq since 1991, in violation of the Charter of the United Nations, have never stopped us from hoping that this bitter experience will be overcome and that the United Nations will assume even more effectively its role of saving future generations from the scourge of war, ensuring respect for basic human rights, affirming the equal rights of all nations, small or large, and promoting social progress and the establishment of better living conditions in greater freedom.

We have thus committed ourselves to continuing the dialogue with the United Nations Secretariat in spite of all the difficulties in order to ensure the complete implementation of all the Security Council resolutions, in accordance with the Charter of the United Nations. On the basis of this principle, we reaffirm our offer of a further series of technical discussions in order to evaluate what was accomplished in the preceding phase and to consider how to deal with the issues which had not yet been settled when the inspectors voluntarily withdrew in 1998, on the basis of the outstanding questions referred to in Ambassador Amorim's report. At the same time, the United Nations technical delegation will be entirely free to raise all the issues that it deems necessary in order to make progress in the discussion and establish rules making it possible to lay a common foundation for the following phase of monitoring and inspection activities, including consideration of the practical arrangements for establishing the monitoring regime in the future, and lay the groundwork for progress towards reaching a comprehensive settlement under which all the requirements of the relevant Security Council resolutions would be satisfied in a synchronized manner.

Looking forward to a positive response, I should like to convey to you the assurances of my highest consideration.

(Signed) Naji Sabri  
Minister for Foreign Affairs of the Republic of Iraq  
Baghdad, 15 August 2002

Attachment: questions raised by the Iraqi delegation at the session of talks on  
7 March 2002

## **Questions presented by Iraq to the Security Council on 7 March 2002**

Baghdad, 25 July 2002

### **Questions which Iraq's Foreign Minister presented to the United Nations Secretary-General in the session of talks on 7 March 2002 and to which he requested answers from the Security Council**

1. What is your vision and assessment of what we have achieved after seven years and seven months of Iraq's cooperation with the Special Committee and the International Atomic Energy Agency? How can this cooperation be built on?
2. If one or two of the Security Council's permanent members say that they are not assured of Iraq's disarmament, we want to know what they want to be assured of. What are they looking for? What is the necessary time frame to complete this? We also ought to be satisfied, not just the Security Council, in order to go on cooperating with it. If they have any doubts about a certain site or activity, we ought to know about it.
3. How do you explain the stance of a permanent member of the Security Council which officially calls for the invasion of Iraq and the imposition of an agent regime on its people by force, in clear violation of the Security Council resolutions themselves, which clearly state that Iraq's sovereignty, independence and territorial integrity and the rules of international law and the United Nations Charter must be respected? At the same time, it demands that Iraq implement the Security Council's resolutions.
4. Is the Security Council seriously adhering to its mandate and the resolutions which it adopted, in particular, resolution 687 (1991), and to the fair, legal reading of this resolution? Or is the Security Council subject to the United States explanation of the resolutions and to the unilateral decisions of the United States concerning Iraq?
5. How could normal relations between Iraq and the Security Council be achieved under the current declared United States policy of seeking to invade Iraq and change by force its patriotic political regime?
6. The United States continuously declares that the economic sanctions imposed on Iraq will remain as long as the patriotic political regime in Iraq stays. What is the Security Council's position on this policy, which violates the relevant Security Council resolutions?
7. What guarantees could the United Nations offer to prevent interference between Iraq's relations with the United Nations and the United States agenda?
8. The concept of synchronicity in implementing the reciprocal obligations set forth in the Security Council resolutions related to Iraq is necessary and essential to rebuild confidence between Iraq and the Security Council. What are your views on the obligations related to Iraq's rights, first and foremost the lifting of sanctions, respect for Iraq's sovereignty, independence and territorial integrity and making the Middle East region free of weapons of mass destruction. What are the obligations the Security Council ought to implement to open up a new page of cooperation

between Iraq and the United Nations? How could we set up a mechanism that secures the synchronized implementation of the two sides' obligations?

9. Is it fair to ask Iraq to implement Security Council resolutions and the same not be demanded of a permanent member of the Security Council which continues to violate those resolutions, especially those related to respecting Iraq's sovereignty, independence and territorial integrity, and officially vows that its policy aims to invade the Republic of Iraq and overthrow its regime?

10. After disclosure of the espionage activities of former UNSCOM inspectors and the International Atomic Energy Agency according to confessions made by some members of the Special Committee and statements issued by United States sources and some Security Council permanent members and to what was acknowledged by the Secretariat, is it fair that inspectors return to Iraq who could be used to spy against Iraq and its leadership and to update information about Iraq's vital economic installations so as to bomb them in a coming aggression?

11. Could the United Nations ensure that those coming to Iraq are not spies and will not commit espionage activities?

12. Could the United Nations guarantee the elimination of the two no-fly zones? Could the United Nations guarantee that the upcoming inspection would not be a prelude to an aggression against Iraq as in 1998? Could the United Nations guarantee that the United States would not attack Iraq during the inspection operations, as throughout the seven and a half years from May 1991 to December 1998?

13. What is the Secretary-General's view about the time required for the inspection teams to make sure that Iraq does not have weapons of mass destruction and to inform the Security Council of this fact? What methods is the United Nations thinking of using in this respect and how far are they in keeping with the related international accords?

14. How would inspectors from States which are declaring their intention to threaten Iraq's national security, invade it and change its regime, apply their international, unbiased mandate on Iraq or respect the Security Council's resolutions and their duties under the Charter? The presence of United States and British inspectors on the Special Committee and the International Atomic Energy Agency helped the United States and the United Kingdom collect intelligence data and specify locations that were targeted in their aggression. All locations which had been visited by the inspection teams were exposed in the 1998 aggression, including the presidential sites, despite the inspectors' statement that there were no weapons of mass destruction. The United States and the United Kingdom also bombed all the industrial sites according to inspection data while they were under continuous monitoring.

15. What is the Secretary-General's view of the structure of UNMOVIC? Is it plausible to approve individuals who violated their unbiased mandate and duties, in addition to the reputation of the Organization, when they spied on Iraq?

16. What is the mandate of UNMOVIC? The United Nations statements and documents released up to now are ambiguous. What is the authority of its Head? What is the authority of its College of Commissioners? What is the form of the Secretary-General's supervision of its functioning? What are the guarantees that the

Commission and its chief would not abuse their authority? What are the guarantees that the Commission would not violate Iraq's sovereign rights?

17. The dropping of 120,000 tons of bombs, including 800 tons of depleted uranium, on Iraq during the 1991 aggression and the aggressions that followed, in addition to the all-out, 12-year blockade, has led to the semi-demolition of the economic, health, education and services infrastructure. Iraq will need to utilize all its resources when sanctions are lifted to rebuild its basic installations. The question of compensation and its high rates poses a big obstacle to this. What does the Secretary-General envisage to correct this situation? Does he intend to send expert teams to Iraq to discuss the question of reconstruction and its costs and to prepare the requirements to urge the Security Council to reconsider the question of compensation?

18. The blockade and the military aggressions launched by the United States and Britain against Iraq since 1991 have caused huge material and human losses in Iraq. What are the possibilities of considering, within a comprehensive solution based on justice, compensating Iraq for the human, material and psychological damage and losses that its people have suffered on the same basis adopted by the Security Council for compensation?

19. Iraq has a firm right to self-defence under Article 15 of the Charter. The Security Council did not abide by its commitments concerning Iraq's sovereignty and territorial integrity, thus encouraging regional parties to violate Iraq's national security. How do you see the question of Iraq's right to self-defence and its right under international law and the Charter to possess defence weapons?



## Security Council

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### **Letter dated 12 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General**

With reference to our letter dated 24 June 2002, I have the honour to attach herewith the first report on the work of the International Security Assistance Force in Afghanistan (ISAF) covering the period from 20 June 2002, the day when Turkey assumed the command of ISAF, to 31 July 2002 (see annex). I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) **Altay Cengizer**  
Chargé d'affaires a.i.  
Deputy Permanent Representative



**Annex to the letter dated 12 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council**

**Monthly report on the operations of the International Security Assistance Force in Afghanistan, for the period from 20 June to 31 July 2002**

### **EXECUTIVE SUMMARY**

The Turkish leadership of ISAF has made a satisfactory start in its mission to implement the international community's objectives in Kabul and its surrounding areas. While the situation is calm, the security circumstances remain somewhat fragile, with potential threats of instability. Although the circumstances still pose a challenge for the ISAF, the outlook is nevertheless promising. ISAF leadership is giving a special emphasis to assistance in the field of health, education and other social activities. Materialization of the international community's commitments declared in the Tokyo Conference for the reconstruction of Afghanistan will continue to constitute a decisive factor in the overall effort to help Afghanistan stand on its feet. Efforts to build the Afghan national army and the police force remain to be of crucial importance in terms of consolidating the authority of the Transitional Administration and strengthening the sense of national identity and unity. The unpredicted speed of the return of refugees and the problems in paying the salaries of the Afghan security personnel need to be addressed expeditiously.

### **1. INTRODUCTION**

The new government of the Afghan Transitional Administration has officially been sworn in on 24 June 2002. The situation in Kabul and its surrounding areas is calm, significant progress has been achieved towards stability with the formation of a broad-based government and the outlook is reasonably promising. However, the security circumstances remain potentially vulnerable, as demonstrated by a high-profile assassination, with the investigation of which the ISAF is now assisting the Afghan Transitional Administration at the official request of the Afghan President. All ISAF personnel are serving with a strong sense of mission and extensive work to improve living and working conditions at the ISAF headquarters is nearing completion.

## ISAF ACTIVITIES

### General

) Turkey has officially taken over the command of the ISAF from the United Kingdom as of 20 June 2002, in a hand-over ceremony attended by President Karzai. The transition of command has been completed smoothly and without any gaps in operations. The Turkish Battle Group has moved into south Kabul to take over the mission of the United Kingdom Battle Group as of 27 June 2002. Turkey has also taken operational command of the Kabul airbase on 30 June 2002. The ISAF is presently composed of 4947 personnel from 19 nations. Its current composition and manpower levels are provided in the appendix.

) The ISAF leadership has been able to forge excellent cooperative relationships with the new Afghan government and the Special Representative of the UN Secretary-General. It is particularly reassuring to note that there is full congruity between the objectives of the ISAF and of the Afghan authorities. Major General Hilmi Akın Zorlu, the ISAF Commander, maintains regular contact with President Karzai and senior members of the new government on how best to achieve the common task of ensuring that the ISAF is successful in assisting the Afghan Islamic Transitional Authority in the maintenance of security in Kabul and its surrounding areas.

) The Joint Coordinating Body (JCB), set up in accordance with the Military Technical Agreement, held its first meeting during the term of Turkish leadership of the ISAF on 27 June 2002, with an agenda prepared by the ISAF and with the participation of the Secretary-General's Special Representative, Ambassador Brahimi, the ISAF Commander Major General Zorlu, Minister of the Interior Taj Mohammed Wardak and Chief of the General Staff General Dilaver. The participants discussed a number of issues, including the security situation in Kabul, future Afghan security structures and the return of refugees. The participants agreed to endeavour to meet every fortnight. The ISAF leadership also participated in a meeting hosted by Special Representative Ambassador Brahimi on 30 June 2002 on the subject of security sector reform in Afghanistan. The Second Meeting of JCB was held on 29 July 2002 with the participation of Special Representative Ambassador Brahimi, the ISAF Commander Major General Zorlu, Vice President and Defence Minister Fehim Khan, Interior

Minister Wardak, General Kern from the United States Embassy and German Commander Wolf from KMNB. The Agenda of the JCB meeting was as follows:

- a. The security in Kabul and its surrounding areas,
- b. Update information on ISAF issues,
- c. Update information on Afghan Transitional Authority issues,
- d. Update information on UN Activities,
- e. Future Afghan security structures.

Next meeting is scheduled to take place in Defence Ministry HQ on 13 August 2002 to be hosted by Defence Minister and Vice President Fehim Khan. All participants describe the Joint Coordinating Body as a satisfactory, positive and operational meeting.

4) The validity of the Military Technical Agreement, concluded between the International Security Assistance Force and the Afghan Interim Authority in December 2001, has been extended, through an exchange of diplomatic notes between the Turkish Embassy in Kabul and the Afghan Ministry of Foreign Affairs, to cover the extended period of six months, beyond 20 June 2002, of ISAF's authorization as mandated by Security Council resolution 1413 (2002).

5) The overriding priority of ISAF is to extend a helping hand to the people of Afghanistan in their hour of need, by assisting with the maintenance of security and stability in Kabul and its surroundings. The ISAF leadership is determined to treat everyone fairly and equally and to remain equidistant to all the ethnic groups which make up the people of Afghanistan.

#### **b. Security in Kabul and its surrounding areas**

1) Significant progress has been achieved towards political stability with the election of Hamid Karzai as President by the Emergency Loya Jirga, which met from 11 to 19 June 2002, with an overwhelming majority of votes.

2) The situation in and around Kabul is generally calm. The city is beginning to thrive, with noticeably increased commercial and social activities. The ISAF is well received by the local community and there has been no show of hostility towards ISAF personnel in the reporting period. At the request of the Afghan authorities, a high

proportion (approximately two thirds) of ISAF patrols are conducted jointly with the Afghan police. Nevertheless, the security circumstances remain vulnerable, as demonstrated by the assassination of Hadji Abdul Qadir, Vice-President and Minister for Public Works, on 6 July 2002, in an attack outside his office. The murder of such a prominent political figure has underlined certain shortfalls in the security system. The relative ease with which the attack was carried out has not only exposed the insufficient security precautions concerning the Minister's personal safety, but also highlighted the lack of coordination among the relevant security entities such as the Ministry of the Interior, the Ministry of Defence, the intelligence agency, the local police and the Kabul garrison.

3) President Karzai has formally asked the ISAF to assist with the investigation of the assassination, in an effort to ensure impartiality, and this was followed by a written request based on a unanimous decision by the Afghan government. Following due consideration the ISAF leadership has decided that an administrative investigation, with the participation of the competent Afghan authorities, is compatible with the ISAF mandate of assisting in the maintenance of security. Three multinational committees, each with its own terms of reference, have since been set up to conduct the investigation, including one for medical supervision, with the participation of officers from Germany, Italy, New Zealand, Spain and Turkey. Those who have been arrested by the Afghan authorities in connection with the assassination remain in Afghan custody and the interrogation and medical examinations are conducted on Afghan premises.

4) The ISAF leadership has also strongly called on the Afghan authorities to improve their internal procedures for security coordination and intelligence-sharing. The ISAF has proposed a comprehensive set of measures to the Afghan leadership in order to enhance security in Kabul. The specific proposals submitted in this regard include the establishment of a joint working group with the participation of officials from the ISAF, the Ministries of the Interior and of Defence, the intelligence agency, the local police and the Kabul garrison; the preparation of a security plan for Kabul with a detailed division of labour among the security entities and the setting up of a joint operational centre to direct rapid response efforts at times of emergency.

5) It is reassuring to note that the Afghan authorities have promised their full cooperation and begun to make arrangements for the implementation of these

proposals. Random police checkpoints are now set up at different places in the city. A working group has been established under the chairmanship of General Bismillah Khan, Commander of the Kabul garrison, and work is underway to develop a detailed security plan for Kabul, with a clearly laid-out division of responsibilities among the relevant security establishments. At ISAF's suggestion, a command post exercise will be held in due course in order to test the improved arrangements for coordination. The ISAF is also running a close protection-training course for the bodyguards of Afghan Ministers and senior officials, for a total of 290 bodyguards. Furthermore, the ISAF has prepared a booklet on individual protection measures, which is about to be distributed to all senior officials. The ISAF has also offered to review the security arrangements of individual Ministers and to make recommendations for enhancing them.

6) ISAF is paying serious attention to provide information to the Afghan People by leaflets, posters, loudspeakers, Afghan Radio-TV and 'ISAF News', a periodical published by ISAF. The people have been informed about the following topics:

- Recognition and acceptance of ISAF by the people,
- Importance of providing support to ISAF and Afghan Transitional Administration,
- Terrorism as a threat to humanity,
- Importance of the unity and solidarity among ethnic groups, the risks of ethnic segregation in Afghanistan,
- The superiority of democracy and tolerance,
- The dangers of unexploded explosive ordnance.

It has been observed that these informative endeavours have made very positive effects on Afghan People.

#### **c. Assistance projects towards the local community**

The ISAF is resolved to sustain its substantial assistance efforts towards the local community, especially in the field of education, public health and water supply. On-going ISAF projects include the renovation of the rehabilitation centre of a military hospital with 800 beds, a circumcision ceremony (this is an activity which has a cultural and social significance for the people of Afghanistan) for 250

Afghan boys, renovation of school buildings and supply of educational aids and equipment, assistance to civilian and military hospitals, distribution of baby food and provision of equipment and engineering expertise to improve the water supply to some parts of the city. The ISAF also receives numerous requests for assistance and seeks to make a contribution to the local community through quick-impact projects by fully utilizing its limited resources.

### 3. SPECIFIC CHALLENGES

- a. Although not a central part of ISAF's mandate, among the challenges that are expected to require attention during the course of the Turkish leadership, the creation of a genuinely national army, to serve the interests of the entire Afghan nation, is of critical importance. The United States of America as the lead nation, some ISAF member countries such as France, Turkey and the ISAF are willing to continue to provide assistance with the formation and training of such an army. While national efforts are underway to train individual Afghan battalions, the ISAF leadership believes that the determination of the overall institutional structure, conceptual orientation and command and control arrangements of a new national army is of greater urgency.
- b. It is also crucial that international aid is sustained, as called for in resolution 1419 (2002), to help the Afghan government with its efforts at forming effective central governmental institutions and extending them to the entire country. In order to secure that objective, the central government has to be seen to be able to pay its soldiers, police officers and public employees and undertake a modicum of public works projects. It is thought that most police and army officers and public employees are not receiving their salaries on time.
- c. The high rate of return of refugees continues to place tremendous pressure on already scarce resources. According to the United Nations High Commissioner for Refugees, more than 1.3 million people are estimated to have returned to the country in the last six months. Experts estimate that this figure will reach two million by the end of the year. Approximately, 500,000 refugees have chosen to settle in Kabul so far. The consequences of such a large number of people living in desperate conditions will definitely have a negative impact on the overall security and stability in Kabul. Hence the ISAF attaches great importance to the issue.

d. The ISAF leadership believes that security in Kabul would be difficult to ensure without resolving the issue of unpaid salaries for police and army officers and providing for the basic needs of the growing number of refugees. A failure to meet these challenges is likely to strengthen criminal tendencies and to undermine the ability of the government to project a degree of stability. The ISAF is aware that this would require the injection of significant amounts of aid into the country and would strongly support the efforts of Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan, to secure greater financial assistance from the international community.

e. It is also important to reinforce government and United Nations efforts to stem the tide of the narcotics trade, and thus help remove a significant source of finance for terrorists and extremists.

#### **4. CONCLUSION**

The Turkish leadership of the ISAF has made a satisfactory start in its mission to implement the objectives of the international community in Kabul and its surrounding areas. While the situation in and around Kabul is calm, the security circumstances remain somewhat fragile, with potential threats of instability. The assassination of Hadji Abdul Qadir has not undermined Kabul's stability, but it has highlighted certain shortfalls in the security system, which the ISAF is now seeking to remedy, in cooperation with the Afghan authorities. The overall security circumstances still pose a challenge for the ISAF, but the outlook is nevertheless promising.

## Appendix

### ISAF participating countries as of 31 July 2002

| <u>Country</u> | <u>Manpower</u> |
|----------------|-----------------|
| Austria        | 71              |
| Belgium        | 19              |
| Bulgaria       | 32              |
| Czech Republic | 132             |
| Denmark        | 36              |
| Finland        | 31              |
| France         | 520             |
| Germany        | 1121            |
| Greece         | 163             |
| Ireland        | 7               |
| Italy          | 403             |
| Netherlands    | 232             |
| New Zealand    | 8               |
| Norway         | 17              |
| Romania        | 55              |
| Spain          | 349             |
| Sweden         | 38              |
| Turkey         | 1322            |
| United Kingdom | 426             |
| Total          | 4982            |

#### Headquarters staff

|                               |    |
|-------------------------------|----|
| Turkey                        | 51 |
| Other participating countries | 45 |

**Security Council**

Distr.: General  
19 August 2002  
English  
Original: French

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**Letter dated 19 August 2002 from the Permanent Representative  
of the Democratic Republic of the Congo to the United Nations  
addressed to the President of the Security Council**

On instructions from my Government, I regret to have to draw your attention to the large-scale military operations which Rwanda has been conducting for several days in the Congolese province of South Kivu.

The Rwandan Patriotic Army has attacked and besieged the areas of Lulimba, Kilembwe, Salamabila, Kazimya and Nzovu, in flagrant violation of the ceasefire providing the framework for the entire thrust of the Pretoria Agreement. Even now, the Rwandan Patriotic Army is continuing its offensive and its deployment.

The immediate consequence of this fierce fighting is yet another humanitarian crisis for the Congolese population of Kivu, who for over four years have been bearing the brunt of the Rwandan occupation. The Congolese, who are moving en masse to flee the theatre of military operations, have been left to fend for themselves.

Nothing, not even the fresh pretexts being invoked by the Rwandan authorities, could justify this recent carnage.

In the statement by the President of 15 August 2002 (S/PRST/2002/24), the Security Council welcomed the Peace Agreement of 30 July 2002 between my Government and the Government of Rwanda, as well as the Implementation Programme for the withdrawal of Rwandan troops from the territory of the Democratic Republic of the Congo and the dismantling of the ex-FAR and Interahamwe forces in the territory of the Democratic Republic of the Congo (S/2002/914).

My Government calls on the Security Council:

1. To note that Rwanda's attitude violates both the spirit and the letter of the Pretoria Agreement;
2. To condemn emphatically these new Rwandan operations in the territory of the Democratic Republic of the Congo, which claim as their first victims women, children and other civilians;
3. To remind Rwanda of its obligations under the Pretoria Peace Agreement and the Implementation Programme;



4. To demand that Rwanda comply strictly with Security Council resolutions 1304 (2000) and 1341 (2001).

My Government calls on the Security Council to take action on this matter, and would be grateful if this letter could be circulated as a Council document.

(Signed) Atoki Ileka  
Ambassador  
Permanent Representative

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**Security Council**

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**Letter dated 9 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General**

I should like to inform you that the units of the United States Navy that are on station in the Arabian Gulf against the wishes of the peoples of the region are continuing to engage in acts of piracy and provocation and to take hostile action against vessels carrying civilian merchandise in Iraqi territorial waters and elsewhere. Units of the Australian fleet have recently begun to join the intrusive patrols of the United States naval forces in their acts of aggression, and they intercept vessels and assault and question their crews. They also sometimes detain ships and their crews for long periods of time. I present to you hereunder some examples of these practices.

At 1045 hours on 7 July 2002 the tugboat *Al-Rayah* and mechanical tender No. 1, which belongs to the Iraq Ports Authority, came under armed attack from two military craft from the Australian frigate bearing the hull number 05 while the tender was resupplying the tugboat with fresh water. The persons concerned left at 1140 hours.

The Australian frigate then headed for the Iraqi tugboat *Al-Yarmuk*, which had on board a medical and chemical team from the research unit at Basrah University that was conducting chemical and bacteriological analyses and taking readings of radiation levels. The frigate harassed the tugboat as it headed for Mina' al-Bakr to take samples of the water. It then withdrew after the tugboat dropped anchor.

The presence of the Australian fleet and its assistance to the United States Navy in its ongoing assaults on Iraqi vessels in the Arabian Gulf constitute acts of aggression that endanger the movement of civilian shipping in the Arabian Gulf. They are incompatible with the provisions of the Charter of the United Nations, international law and the international norms governing the safety of maritime navigation, and Australia and the United States of America must bear full legal responsibility for them.

Iraq affirms its right, in accordance with the principle of international responsibility, to seek compensation for the damage sustained by it or by its nationals as a result of the criminal acts being committed by these invading forces against ships in the Arabian Gulf region.

We urge you to intervene in order to prevent acts of aggression and terrorism by the United States and Australia that are in flagrant violation of the Charter of the United Nations, public international law and international humanitarian law, and we



ask you to call upon the two countries concerned to withdraw their fleets from the Arabian Gulf.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed A. **Al-Douri**  
Ambassador  
Permanent Representative

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